

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NEW YORK STATE DEPARTMENT OF)
ECONOMIC DEVELOPMENT f/k/a THE)
NEW YORK STATE DEPARTMENT)
OF COMMERCE ECONOMIC)
DEVELOPMENT,)
an official agency within the administrative)
offices of the State of New York)

Civil Action No. 1:07-CV-01349

Plaintiff,)

v.)

I LOVE SANTA BARBARA, INC.)

Defendant.)

NOTICE OF DISMISSAL WITH PREJUDICE

PLEASE TAKE NOTICE that Plaintiff New York State Department of Economic Development f/k/a The New York State Department of Commerce Economic Development and Defendant I Love Santa Barbara, Inc. have reached a settlement in this litigation. Since Defendant has not yet served an answer or a motion for summary judgment, Plaintiff dismisses this action with prejudice pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure.

Respectfully submitted,

Dated: April 3, 2008

/s/ Brett M. Hutton
David P. Miranda, Esq.
Brett M. Hutton, Esq.
HESLIN ROTHENBERG FARLEY
& MESITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600

SO ORDERED

Attorneys for Plaintiff, New York State Department
Economic Development f/k/a The New York State
Department of Commerce Economic Development


FREDERICK J. SCULLIN, JR.
SENIOR U.S. DISTRICT JUDGE

4/4/08